

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MELISSA ANN WRIGHT,

Plaintiff,

v.

WATKINS and SHEPARD TRUCKING,
INC.; et al.,

Defendants.

2:11-CV-1575-LRH-GWF

ORDER

Before the court is defendant Watkins and Shepard Trucking, Inc.'s ("Watkins") statement concerning removal. Doc. #14.¹

Plaintiff Melissa Ann Wright ("Wright") initiated the present action against defendants in state court. Defendants removed the action to federal court on the basis of diversity jurisdiction. Doc. #1.

On November 9, 2011, the court reviewed the removal petition and held that it was not clear from the complaint that the amount in controversy had been met. Doc. #11. The court granted defendants twenty days to establish the amount in controversy by submitting summary judgment type evidence to the court. *Id.* Thereafter, Watkins filed the present statement concerning removal. Doc. #14.

¹Refers to the court's docket

1 Where, as here, it is not facially evident from the face of the complaint that the amount in
2 controversy exceeds \$75,000, “the removing defendant bears the burden of establishing, by a
3 preponderance of the evidence, that the amount in controversy exceeds \$[75],000.” *Sanchez v.*
4 *Monumental Life Ins. Co.*, 102 F.3d 398, 404 (9th Cir. 1996). Here, defendant Watkins argues that
5 the amount in controversy has been met because the underlying medical bills incurred by plaintiff,
6 which are sought as damages in this action, are over \$200,000.00. A plaintiff’s statement of
7 damages after the filing of the complaint is relevant evidence establishing the amount in
8 controversy. *See Cohen v. Petsmart, Inc.*, 281 F.3d 837, 840 (9th Cir. 2002). Therefore, the court
9 finds that Watkins has proffered sufficient evidence establishing an amount in controversy greater
10 than \$75,000. Accordingly, the court shall accept Watkin’s removal of this action and exercise
11 diversity jurisdiction over the complaint.

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13 IT IS THEREFORE ORDERED that defendant’s statement concerning removal (Doc. #14)
14 is GRANTED.

15 IT IS SO ORDERED.

16 DATED this 20th day of December, 2011.



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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE